



Office of Air Quality
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West Virginia Division of Environmental Protection

Cecil H. Underwood
Governor

Michael C. Castle
Director
RECEIVED

WEST VIRGINIA DIVISION OF ENVIRONMENTAL PROTECTION
OFFICE OF AIR QUALITY
1558 Washington Street, East
Charleston, WV 25311

v

CO-SIP-2000-3

COLUMBIAN CHEMICALS COMPANY
1800 West Oak Commons Court
Marietta, GA 30062-2253

CONSENT ORDER

I. AUTHORITY

Under the authority and direction of the Code of West Virginia, Chapter 22, Article 5, Section 1 et seq., this Consent Order is hereby entered.

II. FINDINGS OF FACT

1. Columbian Chemicals Company, hereinafter referred to as the "Company", owns and operates a carbon black plant in Marshall County, West Virginia. Sulfur dioxide is emitted from process and fuel burning sources at the facility including natural gas boilers, reactor furnaces and dryers.

2. On July 4, 1995, the United States Environmental Protection Agency ("USEPA") indicated agreement to resolve American Electric Power's ("AEP") petition filed on, or about, June 10, 1995 to modify the existing Federal Consent Decree affecting AEP's Kammer Plant located in Marshall County, West Virginia. The Federal Consent Decree modification would be granted under the condition that the West Virginia Division of Environmental Protection ("WVDEP") would commit, in writing, to develop a comprehensive State Implementation Plan ("SIP") revision and schedule that would include a sulfur dioxide ("SO₂") impact analysis from all relevant sources of SO₂ in the area, provide for an attainment demonstration of the SO₂ National Ambient Air Quality Standards ("NAAQS") and fulfill the requirement of Good Engineering Practices.

"To use all available resources to protect and restore West Virginia's environment in concert with the needs of present and future generations."



West Virginia
Division of
Environmental Protection

3. During July or August, 1995, representatives of Bayer Corporation, Columbian Chemicals Company, Venture Coke Company L.L.C., and PPG Industries, Inc., located in Marshall County, West Virginia, and Ormet Corporation, located in Monroe County, Ohio, met and formed the Industrial Sources Group ("ISG"). The ISG represented facilities that are sources, or potential sources, of SO₂ in Marshall County.
4. On August 15, 1995, a meeting was held between representatives of the ISG and the WVDEP Office of Air Quality ("OAQ"). At that meeting the ISG proposed collecting on-site meteorological data for use in dispersion modeling.
5. On September 22, 1995, the WVDEP submitted a letter to the USEPA that committed the WVDEP to develop a comprehensive SIP revision for Marshall County in order to assess the impacts of SO₂ emissions on the NAAQS. The letter included a schedule for SIP development.
6. On September 25, 1995, the USEPA acknowledged receipt of the OAQ's SIP committal and the schedule for SIP development and found that these documents provided an acceptable basis to modify the Federal Consent Decree schedule for the Kammer Plant's compliance.
7. On December 12, 1995, the ISG submitted the Meteorological Data Protocol for the Marshall County SIP Study ("Met Protocol") to the OAQ.
8. On January 7, 1996, the OAQ approved the Met Protocol.
9. On January 23, 1996, the USEPA approved the Met Protocol.
10. On August 1, 1996, the ISG commenced collection of meteorological data pursuant to the Met Protocol.
11. On July 31, 1997, the ISG completed collection of meteorological data in Marshall County.
12. On October 27, 1997, the ISG submitted the Dispersion Model Protocol For Industrial Sources Group Based In Marshall County, West Virginia ("Model Protocol").
13. On May 5, 1998, the USEPA approved the Model Protocol.
14. On May 20, 1998, the OAQ approved the Model Protocol.
15. On September 18, 1998, the ISG notified the OAQ that the modeling was complete.
16. The results of the dispersion modeling analysis, using an USEPA Region III approved model and procedures, show that SO₂ allowed to be emitted from the Company under 45 CSR 10 - ("To Prevent and Control Air Pollution From the Emission of Sulfur Oxides") may violate or contribute to projected violations of the NAAQS for SO₂ within, or adjacent to, the

Marshall County area without implementation of the emission limitations, and/or operating limitations and/or stack height requirements set forth in this Consent Order.

17. The Company and the OAQ have cooperated to develop and hereby enter into this Consent Order to establish SO₂ emission control requirements applicable to the Company sufficient to prevent violations of the NAAQS for SO₂ within, or adjacent to, the Marshall County area.

18. The OAQ shall submit this Consent Order, upon entry, to the USEPA and request its incorporation into the SIP for the purpose of federal enforceability and to carry out OAQ's responsibility under the West Virginia Code and Federal Clean Air Act, as amended.

III. CONCLUSIONS OF LAW

1. The Office of Air Quality is the Agency empowered and authorized to regulate and control pollution of the air in the State of West Virginia under the supervision of the Director of the Division of Environmental Protection as provided in the Code of West Virginia, Chapter 22, Article 5, Section 1 et seq., and Chapter 22, Article 1, Section 7(3).

2. The Office of Air Quality has acted in accordance with the Code of West Virginia and the rules that it administers.

3. The Office of Air Quality has provided notice and opportunity for public comment and a hearing in accordance with the Code of West Virginia and the Federal Clean Air Act, as amended.

4. The Company makes no admission of fact or law in this Consent Order and reserves all rights and defenses available regarding liability or responsibility for the contended exceedences in any proceedings other than proceedings to enforce this Consent Order.

IV. COMPLIANCE PROGRAM

1. The Company agrees that it shall not operate any source of SO₂ emissions unless such source is in compliance with the Code, terms of this Consent Order, and any additional or more stringent SO₂ provisions of 45 CSR 10.

2. The Company agrees that at all times, including periods of source start-up, shut down, and malfunction, that it will, to the extent possible, maintain and operate all sources of SO₂ emissions, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing such emissions.

3. Upon the effective date of this Consent Order, the Company agrees to comply with the following emission and operational limitations:

A. Boilers #1 and #2 shall be fired only with natural gas.

B. The sulfur content of the feedstock used in the reactor furnaces shall not exceed 2.5 % sulfur by weight.

4. Within one hundred and eighty (180) days after the date of entry of this Consent Order, the Company shall submit a permit application to the OAQ under 45CSR14.

5. In addition to meeting all the requirements of 45CSR14, the Company shall use the CALPUFF/CALMET model used in the Marshall County SO₂ demonstration by the ISG, to meet the specific requirements of 45CSR14; §45-14-8 and § 45-14-9.

V. COMPLIANCE TESTING AND MONITORING REQUIREMENTS

1. Compliance with the emission limitations of this Consent Order shall be based upon the averaging time and compliance determination methods established within this section.

2. No tests shall be required for sources identified in Section IV.3.A. that burn natural gas.

3. Beginning with the date of entry of this Consent Order, compliance with Section IV.3.B shall be determined by conducting monthly sampling of the feedstock, using applicable ASTM methods, to determine sulfur content. The Company shall also require a Certificate of Analysis from each feedstock supplier or feedstock blending facility. Feedstock oil shall be sampled at a location between the storage tanks and the injection point into the reactor furnaces. The Company shall collect and analyze two (2) samples on each of three (3) non-consecutive days. The results of the sampling shall not be averaged. The Director may request that the Company collect and analyze a reasonable number of additional samples.

VI. RECORDKEEPING, NOTICES AND REPORTING

1. The Company shall maintain records of the occurrence, date, time and duration of any malfunction in the operation of sources subject to this Consent Order, any malfunction of air pollution control equipment or any periods during which a control device was inoperative.

2. The Company shall report to the Director, by telephone or telefax, any malfunction of such source or its air pollution control equipment which results in any excess SO₂ emission rate within twenty-four (24) hours of becoming aware of such condition. The Company shall also file a written report concerning the malfunction with the Director within ten (10) days, providing the following information:

- A. A detailed explanation of the factors involved or causes of the malfunction;
- B. The date and time of duration (with starting and ending times) of the period of excess emissions;
- C. An estimate of the type of pollutant and total amount of excess emissions discharged during the malfunction period;
- D. The maximum emission rate determined during the malfunction in units of the applicable emissions standard;

- E. Immediate remedial actions taken at the time of the malfunction to correct or mitigate the effects of the malfunction, and;
- F. A detailed explanation of the corrective measures or program that will be implemented to prevent a recurrence of the malfunction and a schedule for its implementation.

3. All data and information required to be recorded or obtained under the terms of this Consent Order shall be maintained in a permanent form suitable for inspection and shall be retained for at least five (5) years following the date of the record or report. All such data and information shall be submitted in accordance with the terms of this Consent Order or made available to the Director upon his or her request or during any facility inspection by an authorized representative of the Director.

4. All reports required to be submitted to the Director under the terms of this Consent Order shall be certified by a responsible official of the Company. This certification shall state that, based on information and belief formed by reasonable inquiry, the statements and information in the document are true, accurate and complete.

VII. OTHER PROVISIONS

1. In entering this Consent Order agreement, the Company and the OAQ seek to resolve the nonattainment issues identified in Section II., Findings of Fact, but the Company makes no admission of fact or law with regard to those findings.

2. The Company agrees to comply with all requirements of this Consent Order and further agrees to waive any and all rights of appeal of this Consent Order. However, the Company reserves its right to contest any enforcement actions with respect to all alleged violations of the terms and conditions of this Consent Order, or any modifications or amendments thereof.

3. Nothing contained in this Consent Order shall be interpreted in such a manner as to relieve the Company of the responsibility to make all necessary short-term emission reductions as provided and required in Regulation 11 - "Prevention of Air Pollution Emergency Episodes".

4. The provisions of this Consent Order are severable and should any provisions be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

5. This Consent Order is binding on the Company, its successors and assigns.

6. Violations of this Consent Order may subject the Company to penalties and injunctive relief in accordance with the Code of West Virginia.

7. The OAQ agrees that the Company shall have the right to petition for an amendment to this Consent Order in the event of a "force majeure" condition. The petition shall allege such conditions with specificity. The Director shall determine whether to hear the Company's petition and provide relief, if any.

8. The Company shall not build, erect, install or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of non-process gaseous diluents to achieve compliance with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere. The terms of this paragraph shall not apply to any installation that has received prior approval by the OAQ.

9. The terms and conditions of the Consent Order shall become effective upon signing by both parties.

10. Nothing contained in this Consent Order shall be construed to limit, in any way, the Director's authority to require the Company to install, calibrate, and operate continuous emission monitoring equipment for sources other than those specifically required to have such monitoring equipment under the terms of the Consent Order.

11. For the purpose of the administration of the Consent Order, all decisions and determinations required to be made by the Director may be made by the Chief of the OAQ and all reports and notifications required under this Consent Order shall be submitted to the Chief of the OAQ.

12. Nothing contained in this Consent Order shall be construed, in any manner, to provide relief from the requirements of any permit issued by the Office of Air Quality or the Air Pollution Control Commission prior to the date of this Consent Order.

13. Should the Company receive a permit under 45CSR14 that incorporates the same, new or modified emission limits or operating parameters for those sources identified in Section IV.3. of this Consent Order, then the terms and conditions corresponding to the same limits or operating parameters of this Consent Order shall terminate the day the permit is issued.

14. In the event that implementation of the USEPA carbon black Maximum Available Control Technology standards would affect SO₂ emissions from the Company and the terms and conditions of this Consent Order the Company may petition the Director for an amendment to this Consent Order.

AND NOW, this 21st day of JANUARY, 2000, the Division of Environmental Protection, Office of Air Quality agrees to and enters this Consent Order.

DIVISION OF ENVIRONMENTAL PROTECTION
OFFICE OF AIR QUALITY

Ed L. King
By Its Chief

COLUMBIAN CHEMICALS COMPANY, hereby agrees with the provisions and consents to the terms of this Consent Order and agrees to comply with all requirements set forth herein.

AND NOW, this 31st day of JANUARY, 2000, COLUMBIAN CHEMICALS COMPANY, by its duly authorized representative, consents to, agrees to and enters this Consent Order.

COLUMBIAN CHEMICALS COMPANY

BY: *Rodney L. Canada*

Rodney L. Canada, Vice President
Safety, Health & Environmental Affairs

